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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,551	09/05/2003	Diana K. Smetters	PARC-DA3162Q	8170
35699 7590 12/13/2007 PVF -- PARC c/o PARK, VAUGHAN & FLEMING LLP 2820 FIFTH STREET DAVIS, CA 95618-7759			EXAMINER NGUYEN, KHAI MINH	
			ART UNIT 2617	PAPER NUMBER
			MAIL DATE 12/13/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/656,551

Applicant(s)

SMETTERS ET AL.

Examiner

Khai M. Nguyen

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. Applicant's arguments with respect to claims 1-25 have been considered but are moot in view of the new ground(s) of rejection.
2. The indicated allowability of claim 1-6, 13-21, 24, and 25 are withdraw because the newly discover reference(s) teaching all the claimed limitations.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Balfanz et al. (Talking to Strangers: Authentication in Ad-Hoc Wireless Networks) in view of Lowensohn et al. (U.S.Pub-20040230809).

Regarding claim 1, Balfanz teaches a computer controlled method comprising:

establishing communication between a wireless sensor and a provisioning device over at least one preferred channel (fig.3, section 3.2, [2]), said wireless sensor configured to send a first commitment to said provisioning device over said at least one preferred channel (fig.3, [2]-[3]) and to receive a second commitment from said provisioning device over said at least one preferred channel (fig.3, [2]-[3]);

receiving provisioning information from said provisioning device over said at least one preferred channel (fig.3, [2]-[3]), wherein the provisioning information includes a credential (fig.3, [2]-[3]) and wherein the credential facilitates becoming a member of a secure credential infrastructure (fig.5, section 4.1, [1]-[2]); and

Balfanz fails to specifically disclose automatically configuring said wireless sensor for transmitting sensor information over a secure communication channel responsive to said provisioning information. However, Lowensohn teaches automatically configuring said wireless sensor (fig.1, barb badge 100) for transmitting sensor information over a secure communication channel responsive to said provisioning

information (fig.1, and 4, [0009]-[0010], [0059]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Lowensohn to the teaching of Balfanz to detect the user orientation in the environment and security the information of user.

Regarding claim 2, Balfanz and Lowensohn further teach the computer controlled method of claim 1, wherein said provisioning information comprises a credential (see Lowensohn, [0038], [0043]).

Regarding claim 3, Balfanz and Lowensohn further teach the computer controlled method of claim 1, wherein said provisioning information further comprises one or more of patient data, limit data, alarm data, dosage data, interval data, access data, physician data, caregiver data, nurse data, insurance data or room assignment data (see Lowensohn, fig.4, [0004], [0059]).

Regarding claim 4, Balfanz and Lowensohn further teach the computer controlled method of claim 3, further comprising transmitting said sensor information over said secure communication channel (see Lowensohn, fig.1, [0009], [0271]).

Regarding claim 5, Balfanz and Lowensohn further teach the computer controlled method of claim 1, wherein said provisioning information further comprises one or more of sensitivity data, target data, image recognition data, or noise characteristics (see Lowensohn, [0038], [0043]).

Regarding claim 6, Balfanz and Lowensohn further teach the computer controlled method of claim 1, wherein said wireless sensor senses one or more of medical information, location information, proximity information, environmental information, or vehicle information (see Lowensohn, [0043]-[0044]).

Regarding claim 7, Balfanz teaches a computer-readable storage medium storing instructions that when executed by a computer in a wireless sensor to cause the computer to perform a method comprising steps of:

establishing communication between a wireless sensor and a provisioning device over at least one preferred channel (fig.3, section 3.2, [2]), said wireless sensor configured to send a first commitment to said provisioning device over said at least one preferred channel (fig.3, [2]-[3]) and to receive a second commitment from said provisioning device over said at least one preferred channel (fig.3, [2]-[3]);

receiving provisioning information from said provisioning device over said at least one preferred channel (fig.3, [2]-[3]), wherein the provisioning information includes a credential (fig.3, [2]-[3]) and wherein the credential facilitates becoming a member of a secure credential infrastructure (fig.5, section 4.1, [1]-[2]); and

Balfanz fails to specifically disclose automatically configuring said wireless sensor for transmitting sensor information over a secure communication channel responsive to said provisioning information. However, Lowensohn teaches automatically configuring said wireless sensor (fig.1, barb badge 100) for transmitting sensor information over a secure communication channel responsive to said provisioning

information (fig.1, and 4, [0009]-[0010], [0059]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Lowensohn to the teaching of Balfanz to detect the user orientation in the environment and security the information of user.

Regarding claim 8, Balfanz and Lowensohn further teach the computer-readable storage medium of claim 7, wherein said provisioning information comprises a credential (see Lowensohn, [0038], [0043]).

Regarding claim 9, Balfanz and Lowensohn further teach the computer-readable storage medium of claim 7, wherein said provisioning information further comprises one or more of patient data, limit data, alarm data, dosage data, interval data, access data, physician data, caregiver data, nurse data, insurance data or room assignment data (see Lowensohn, fig.4, [0004], [0059]).

Regarding claim 10, Balfanz and Lowensohn further teach the computer-readable storage medium of claim 9, further comprising transmitting said sensor information over said secure communication channel (see Lowensohn, fig.1, [0009], [0271]).

Regarding claim 11, Balfanz and Lowensohn further teach the computer-readable storage medium of claim 7, wherein said provisioning information further comprises one or more of sensitivity data, target data, image recognition data, or noise characteristics (see Lowensohn, [0038], [0043]).

Regarding claim 12, Balfanz and Lowensohn further teach the computer-readable storage medium of claim 7, wherein said wireless sensor senses one or more of medical information, location information, proximity information, environmental information, or vehicle information (see Lowensohn, [0043]-[0044]).

Regarding claim 13, Balfanz teaches a wireless apparatus comprising:

at least one port configured to establish a preferred channel (fig.3, section 3.2, [2]);

a preferred channel communication mechanism configured to be able to establish communication with a provisioning device over said at least one preferred channel (fig.3, section 3.2, [2]), said wireless sensor configured to send a first commitment to said provisioning device over said at least one preferred channel (fig.3, [2]-[3]) and to receive a second commitment from said provisioning device over said at least one preferred channel (fig.3, [2]-[3]);

a receiver mechanism configured to be able to receive provisioning information from said provisioning device over said at least one preferred channel (fig.3, [2]-[3]), wherein the provisioning information includes a credential (fig.3, [2]-[3]) and wherein the credential facilitates becoming a member of a secure credential infrastructure (fig.5, section 4.1, [1]-[2]); and

Balfanz fails to specifically disclose an automatic configuration mechanism to enable said wireless sensor to transmit sensor information over a secure

communication channel established responsive to said provisioning information.

However, Lowensohn teaches an automatic configuration mechanism to enable said wireless sensor (fig.1, barb badge 100) to transmit sensor information over a secure communication channel established responsive to said provisioning information (fig.1, and 4, [0009]-[0010], [0059]). It would have been obvious to one having ordinary skill in the art at the time the invention was made to apply the teaching of Lowensohn to the teaching of Balfanz to detect the user orientation in the environment and security the information of user.

Regarding claim 14, Balfanz and Lowensohn further teach the apparatus of claim 13, wherein said provisioning information comprises a credential (see Lowensohn, [0038], [0043]).

Regarding claim 15, Balfanz and Lowensohn further teach the apparatus of claim 13, wherein said provisioning information further comprises one or more of patient data, limit data, alarm data, dosage data, interval data, access data, physician data, caregiver data, nurse data, insurance data, room assignment data, sensitivity data, target data, image recognition data, activation data, or noise characteristics (see Lowensohn, fig.4, [0004], [0059]).

Regarding claim 16, Balfanz and Lowensohn further teach the apparatus of claim 15, further comprising a transmission mechanism configured to transmit said sensor information over said secure communication channel (see Lowensohn, fig.1, [0009], [0271]).

Regarding claim 17, Balfanz and Lowensohn further teach the apparatus of claim 13, wherein wireless apparatus further comprises a sensor for measuring said sensor information (see Lowensohn, [0009]-[0010], [0038], [0043]).

Regarding claim 18, Balfanz and Lowensohn further teach the apparatus of claim 13, wherein said wireless sensor senses one or more of medical information, location information, proximity information, environmental information, or vehicle information (see Lowensohn, [0043]-[0044]).

Regarding claim 19, Balfanz and Lowensohn further teach the apparatus of claim 13, wherein said sensor information is status information about the apparatus (see Lowensohn, fig.1, and 14a, [0009]-[0010], [0037]).

Regarding claim 20, Balfanz and Lowensohn further teach the computer controlled method of claim 1, wherein said at least one preferred channel comprises a single preferred channel capable of communicating both from said wireless sensor to said provisioning device (see Balfanz, fig.3, section 3.1, [2]-[3]) and from said provisioning device to said wireless sensor (see Balfanz, fig.3, section 3.1, [2]-[3]).

Regarding claim 21, Balfanz and Lowensohn further teach the computer controlled method of claim 1, wherein said at least one preferred channel comprises two separate channels, including a first preferred channel capable of communicating from said wireless sensor to said provisioning device (see Balfanz, fig.3, section 3.1, [2]-[3]) and a second preferred channel capable of communicating from said provisioning device to said wireless sensor (see Balfanz, fig.3, section 3.1, [2]-[3]).

Regarding claim 22, Balfanz and Lowensohn further teach the computer-readable storage medium of claim 7, wherein said at least one preferred channel comprises a single preferred channel capable of communicating both from said wireless sensor to said provisioning device (see Balfanz, fig.3, section 3.1, [2]-[3]) and from said provisioning device to said wireless sensor (see Balfanz, fig.3, section 3.1, [2]-[3]).

Regarding claim 23, Balfanz and Lowensohn further teach the computer-readable storage medium of claim 7, wherein said at least one preferred channel comprises two separate channels, including a first preferred channel capable of communicating from said wireless sensor to said provisioning device (see Balfanz, fig.3, section 3.1, [2]-[3]) and a second preferred channel capable of communicating from said provisioning device to said wireless sensor (see Balfanz, fig.3, section 3.1, [2]-[3]).

Regarding claim 24, Balfanz and Lowensohn further teach the apparatus of claim 13, wherein said at least one preferred channel comprises a single preferred channel capable of communicating both from said wireless sensor to said provisioning device (see Balfanz, fig.3, section 3.1, [2]-[3]) and from said provisioning device to said wireless sensor (see Balfanz, fig.3, section 3.1, [2]-[3]).

Regarding claim 25, Balfanz and Lowensohn further teach the apparatus of claim 13, wherein said at least one preferred channel comprises two separate channels, including a first preferred channel capable of communicating from said wireless sensor to said provisioning device (see Balfanz, fig.3, section 3.1, [2]-[3]) and a second

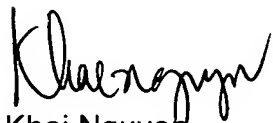
preferred channel capable of communicating from said provisioning device to said wireless sensor (see Balfanz, fig.3, section 3.1, [2]-[3]).

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khai M. Nguyen whose telephone number is 571.272.7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rafael Perez-Gutierrez can be reached on 571.272.7915. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



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12/2/2007